

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

|                      |   |                           |
|----------------------|---|---------------------------|
| TYRONE D. JOHNSON,   | ) | CASE NO. 5:15-cv-573      |
|                      | ) |                           |
| PLAINTIFF,           | ) | JUDGE SARA LIOI           |
|                      | ) |                           |
| vs.                  | ) | <b>MEMORANDUM OPINION</b> |
|                      | ) |                           |
| PAUL WRIGHT, et al., | ) |                           |
|                      | ) |                           |
| DEFENDANTS.          | ) |                           |

Before the Court is the report and recommendation of Magistrate Judge George Limbert in the above-captioned civil rights action filed pursuant to 42 U.S.C. § 1983. The magistrate judge recommends that this case be dismissed for failure to prosecute. (Doc. No. 20 [“R&R”].)

Before issuing the report and recommendation, the magistrate judge issued an order to show cause regarding the plaintiff’s failure to: (1) attend the scheduled case management conference, (2) provide any explanation for failing to attend, and (3) participate in the case. The show cause order stated that “Plaintiff’s failure to show cause will result in a recommendation that the Court dismiss the instant case without prejudice.” (Doc. No. 19 [“Show Cause Order”].). The docket reflects that on October 6, 2015, a copy of the show cause order was mailed to plaintiff.

Under the relevant statute:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1)(C).

On November 6, 2015, a copy of the report and recommendation was mailed to plaintiff. No objection has been filed. The failure to file written objections to the report and recommendation of a magistrate judge constitutes a waiver of a de novo determination by the district court of an issue covered in the report. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); *see United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

The Court has reviewed Magistrate Judge Limbert's report and recommendation and adopts the same. Accordingly, the case is dismissed without prejudice.

**IT IS SO ORDERED.**

Dated: December 9, 2015

  
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**HONORABLE SARA LIOI**  
**UNITED STATES DISTRICT JUDGE**